



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,507	03/22/2001	Anthony D. Smith	00-483	4390
7590	03/29/2005		EXAMINER	
Barry L. Kelmachter BACHMAN & LaPOINTE, P.C. Suite 1201 900 Chapel Street New Haven, CT 06510-2802			GEREZGIHER, YEMANE M	
			ART UNIT	PAPER NUMBER
			2144	
DATE MAILED: 03/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/814,507	SMITH ET AL.	
	Examiner	Art Unit	
	Yemane M. Gerezgiher	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 November 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 March 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Applicant's response received on 11/18/2004 has been entered. Claims 1- 17 remain pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

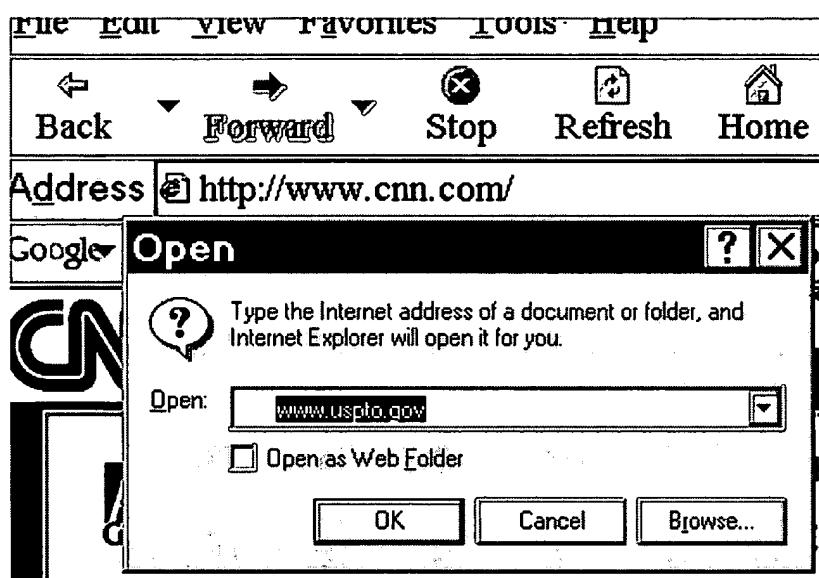
3. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robin M. Bennefield (Catching a View of the Web) hereinafter referred to as Bennefield in view of Usui, Hiroyuki (JP 11024646 A) hereinafter to as Usui.

As per claims 1, 8 and 17, according to the author, Bennefield disclosed the World Wide Web Consortium Web accessibility for facilitating the navigation or surfing the global communication network via an ISP (claim 7) for people who are vision impaired (*Providing an interactive means for connecting to the Internet via a web browser having a URL address window, said interactive means having an operating system which employs a cursor; connecting to said Internet using said interactive means and said web browser;*) (See ABSTRACT). Bennefield accredited the development of new methods and techniques "to help

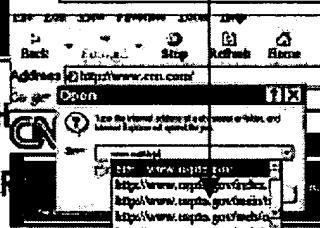
Trammell and others with vision problems, new Web-browsing software is being released and better Web sites designed. The rethinking got a further boost last month with the launch of the World Wide Web Consortium, a group of leaders in Web technology who announced the Web Accessibility Initiative. The effort is intended to make Web navigation easier to use by all disabled individuals by funding the development of new hardware and software and supporting education programs for the disabled." See Page 1, Paragraph 6. (*Displaying an edit window; retrieving a URL address from the web browser and inputting said URL address into the edit window; entering a new URL address into said edit window; and engaging said interactive means so as to cause said web browser to be communicated with said new URL address*) was further described by Bennefield that "Active Accessibility is just one more reason for vision-impaired users to like Internet Explorer. The browser accepts keyboard commands such as Control-O, which pulls up a box into which a Web address is typed. Explorer also permits customizing type size and background color for each Web page. When Netscape's update of its browser, Communicator, is released this summer, it also will address the needs of vision-impaired users. Like Explorer, Communicator will let users employ the keyboard instead of the mouse and can work with downloaded screen-reading software." Where it is obviously clear that a user depressing a left button upon completing entering step (claim 2, 5, 9 and 10) and means of entering a URL address in to the edit window (Claim 6 and 14) See Page 2, Paragraph 10. According to the described

Art Unit: 2144

technique of explorer ® and communicator ® above, the examiner provides the following Figure to better illustrate the teaching disclosed quoted above.



A vision impaired user interacts with the web browser, sends a command **Ctrl + o** and an edit window is generated/displayed and the user enters a new URL or edit another that has been previously inserted (claim 15 & 16) in the edit window.



According to the author, Bennefield substantially explained that the invention as claimed been disclosed by explorer ® and communicator ® browser feature of accessibility for the sight impaired. Bennefield addressed explorer ® and communicator ® eliminating the use of a mouse cursor to generate the edit window (“let users employ the keyboard instead of the mouse”) See Page 2, Paragraph 10. Having said that the claimed invention involves at least three steps (1) mouse interaction to display the edit window (2) a keyboard to type an address or to edit an address and (3) an additional mouse interaction to insert and retrieve the desired content based on the

specified URL address, but according to the author, Bennefield disclosed that explorer ® and communicator ® deliberately avoiding the 1st step of using a mouse command or interaction which is a step ahead, generating the same expected result (facilitating the entry of a URL for the visually impaired by generating/displaying an edit window) for a probable reason that a sight impaired person might primarily have difficulty seeing the position of the cursor itself. Bennefield disclosed the teachings of explorer ® and communicator ® browsers facilitating entry of a URL address in to the address window based on a mouse command and preferably a keyboard command. However, Bennefield was silent about generating the edit window by specifically clicking the right button of a mouse.

An artisan now working with the teachings of explorer ® and communicator ® feature of assisting sight impaired users by creating an edit window for editing and entering desired URL/URI in to the edit window and inserting the entered URL and to retrieve the content of the requested site would have been motivated to look for teachings that may have allowed further possibilities of triggering an edit window along with the commonly used pointing devices such as mouse, tracking ball and other cursor generating means. In these arts Usui disclosed a sentence editor by creating an edit window based on a mouse command and specifically displaying an edit window at the click of mouse's right button (Claim 11). See translated ABSTRACT.

Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Usui related to generating/displaying an edit window upon a mouse command and have modified the teachings of Bennefield related to explorer ® and communicator ® accessibility of the Web for the sight impaired individuals in order to simplify editing and improving efficiency in surfing the Web. See Translated ABSTRACT and ADVANTAGE.

Response to Arguments

The inventive entity argues that “the Bennefield article is non-enabling ...and is nothing more than a magazine article on new tools that may become available or are available” and that the steps claimed by the applicant are not disclosed by the combined teachings of Bennefield and Usui and specifically arguing about the step of positioning the cursor displaying, retrieving, editing, entering, inserting and enlarging steps as recited in claims 1, 8 and 17 (See Applicant’s Remark Page 2 Lines 24-30, Page 3 Lines 14-20). However, the Examiner respectfully disagrees with Applicants’ contention. In response to applicant's argument, positioning a cursor over a URL address window and displaying an edit window is functionally equivalent with using a different means of input or pointing device in moving a cursor to a desired position such as Bennefield’s use of a keyboard shortcut (Ctrl + o, in Windows Explorer ®) in order to generate an edit window facilitating navigation of web content for those

who are vision impaired. In achieving the desired result one can clearly understand that Bennefield's use of a keyboard shortcut in order to generate an edit window inherently involves steps of receiving a keyboard command, and validating the keyboard command ("receiving said mouse command", "validating said mouse command") See Page 13, Claim 8) before displaying the edit window. Having said that, it has been noted that the end result is significantly the same (generating an edit window where one with vision problem can easily type in an address of a web content and interactively retrieve the desired information) result. Functional limitation of using a mouse to position a cursor can equally be performed using other inputting/pointing device such as a keyboard. For example a user positioning a cursor on a print icon on a display/window when printing a document is functionally the same as a user entering a keyboard command "Ctrl + p" to perform the same result (print). Another example, Goodman et al (U.S. Patent Number 6,100,875) hereinafter referred to as Goodman disclosed "a keyboard to perform operations normally associated with a mouse pointing device" (See ABSTRACT, Column 1 Lines 11-13), Goodman further taught that a "...keyboard operations are modified by means of a special function key or "hot key" so that mouse-like operations may be performed via the computer keyboard. In a preferred embodiment, a keyboard includes a keyboard controller as well as an additional function key. This additional function key serves to indicate to the

keyboard controller that certain keys are to be interpreted to emulate mouse-like operations". (See Column 2 Lines 4-8).

With that said, the Examiner respectfully disagrees with the applicant's allegation that "there is no reason to combine **Bennefield** with **Usui** because **Bennefield** teaches away from using cursors" (See Applicant's Remark Page 4 Lines 1-2). As evidenced by the example disclosed above, mouse functionality in moving a cursor could be equally implemented using keyboard commands. **Bennefield** is not teaching away from using cursors, but preferred to use a keyboard command instead of using a mouse command in creating and moving the cursor, which it is an arbitrary choice for one of ordinary skill in the art to select a mouse or a keyboard in order to interactively move the cursor when navigating through information contents on the communication fabric.

The teaching of a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yemane M. Gerezgiher whose telephone number is (571) 272-3927. The examiner can normally be reached on 9:00 AM - 6:00 PM Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski (Bill) can be reached on (571) 272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2144

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yemane M. Gerezgihen
Patent Examiner



WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2900